



<b>Procedure Name</b>	Unacceptable Actions Policy
<b>Policy Category</b>	Association Wide
<b>Policy Number</b>	S24
<b>Date to Management Committee</b>	December 2021
<b>Previous Review</b>	N/A
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<b>Links to Other Policies/Procedures</b>	Complaints Policy No Lone Visit Procedure

*This document will be made available in different languages and formats on request, including Braille and audio formats.*

## 1.0 Introduction

Knowes Housing Association is a registered social landlord, established in 1998 as a Community Based Housing Association.

Knowes Housing Association will ensure that staff responsibilities in relation to this policy are clear. Staff members will have overall responsibility for implementing and monitoring the policy.

## 2.0 Principles

Our aim is to ensure that expressions of dissatisfaction from our customers can be dealt with in the best way possible. The Association welcomes complaints from customers as valuable feedback and, wherever it is possible, we aim to attempt to de-escalate problems to enable a customer's complaint to be investigated.

We want to ensure that Knowes Housing Association staff, contractors and other customers are treated with respect and do not suffer any disadvantage from customers who act in an unacceptable manner.

We have a zero-tolerance approach towards physical and verbal abuse of our staff. This policy sets out the approach of Knowes Housing Association to the customers whose action or behaviour we consider unacceptable.

We recognise that dealing with the public can cause anxiety particularly where there is a risk of aggression, verbal abuse and/or violence. Such incidences should be identified through the Association's general risk assessment process and suitable control measures implemented

### **3.0 Policy Aims**

To deal fairly, honestly, consistently and appropriately with all of our customers, including those whose actions we consider unacceptable. We believe that all of our customers have the right to be heard, understood and respected.

To ensure that all Knowes Housing Association staff and contractors are treated with respect and are not subject to verbal or physical abuse by our customers.

That we provide a service that is acceptable to all customers. We retain the right however, to change or restrict access to our service where we consider a customer's actions to be unacceptable.

To ensure that other customers and Knowes Housing Association staff or contractors do not suffer any disadvantage from customers who may act in an unacceptable manner.

### **4.0 Equality Statement**

Through this policy, no member of staff, committee or other person will be discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

### **5.0 Legislative and Regulatory Framework**

The Public Services Reform (Scotland) Act 2010 places a statutory duty on Registered Social Landlords to comply with the Scottish Public Services Ombudsman's (SPSO) Model Complaint Handling Procedure published for the social housing sector.

The Housing (Scotland) Act 2010 established the Scottish Social Housing Charter. The Charter contains three outcomes relating to the Customer/Landlord relationship. These outcomes have been considered in the development and review of this Policy.

The SPSO's Dealing with Problem Behaviour Guidance has also been considered in the development and review of this policy.

## **6.0 Defining Unacceptable Actions**

We recognise that people may act out of character at times of trouble and distress. There may have been upsetting or distressing circumstances leading up to contact with the Association. We do not view behaviour as unacceptable just because a customer is forceful or determined.

There may be incidences of behaviour which an individual may find difficult but it would be reasonable to expect a well-trained, confident member of staff to be able to deal with in most circumstances. This would not be considered an unacceptable action.

Unacceptable action is behaviour that affects the ability of a staff member or Knowes Housing Association as an organisation to do their job, or when the impact of behaviour on resources means that an unfair or disproportionate amount of resource is being used. We aim to manage this kind of behaviour under this policy and have grouped these actions under three broad headings.

### ***(i) Aggressive or Abusive Behaviour***

We expect our staff to be treated courteously and respectfully. Violence or abuse towards staff is unacceptable. We accept that customers may sometimes be angry or upset. However, it is not acceptable when anger about an issue escalates into aggression directed towards our staff.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether spoken or written) that may cause staff to feel afraid, threatened or abused.

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory, slanderous or libellous remarks, either verbal or written, and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour.

### ***(ii) Unreasonable Demands***

Customers may make what we consider to be unreasonable demands on our staff through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of actions grouped under this heading include

- demanding responses within an unreasonable timescale,

- insisting on seeing or speaking to a particular member of staff,
- continual phone calls, letters, or emails,
- repeatedly changing the substance of the complaint or raising unrelated concerns.

These demands are unacceptable and unreasonable if they start to impact substantially on the work of our staff by taking up an excessive amount of staff time to the disadvantage of other customers or functions.

### **(iii) Unreasonable Persistence**

We recognise that some customers will not or cannot accept that Knowes Housing Association is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concern or contact our offices persistently about the same issue.

Examples of actions grouped under this heading include

- persistent refusal to accept a decision made in relation to a complaint,
- persistent refusal to accept explanations relating to what this office can or cannot do
- continuing to pursue a complaint without presenting any new information.
- The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

We consider the actions of persistent customers to be unacceptable when they take up what Knowes Housing Association regards as being a disproportionate amount of time and resources.

### **(iv) Unreasonable Use of the Complaints Procedure**

We welcome all expressions of dissatisfaction from customers about any aspect of our services and treat them as complaints which we use to improve the services we provide. We do however recognise that in exceptional circumstances the way a customer uses our complaints procedure may act to harass staff members or obstruct decisions previously made by the Association.

Examples of actions grouped under this heading include

- continual attempts to make trivial or frivolous complaints relating to a complaint which has already been considered,
- continual attempts to re-open a complaint which has been considered by reframing it, or continually attempting to obstruct the Association from carrying out a legitimate business aim.

We recognise an individual's right to access our complaints procedure and will only take action to restrict access to it in very exceptional cases where it is impacting significantly on the resources of the Association.

## **7.0 Managing Unacceptable Actions**

We adopt a Customer Focussed approach and seek to respond positively and deal with customer issues promptly, courteously and effectively at the first point of contact. There will however be an extremely small number of customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict a customer's contact with our offices in order to manage the unacceptable behaviour.

We aim to do this in a way that, wherever possible, allows a customer to have their concerns addressed and to progress a complaint to completion through our complaints process.

### **Threats, Violence and Abusive Behaviour**

We take threats, violence, abuse and harassment of staff very seriously. The threat or use of physical violence, verbal abuse, racial or other discriminatory remarks or harassment towards staff is likely to result in Knowes Housing Association ending all direct contact with the customer. This includes abuse or harassment on the basis of race, colour, ethnic origin, sexual orientation, physical ability, mental health or other grounds.

### **Telephone calls**

Through training Knowes Housing Association staff understand and demonstrate the behaviours required to deliver excellent customer services and adopt a positive approach in dealing with customers. Staff may however end telephone calls if the caller is considered unreasonable, aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

### **Written Correspondence**

Written correspondence (letter or email) that is abusive to staff or contains allegations that lack substantive evidence will be referred to the relevant manager for a response. A letter will be sent to the customer stating that the behaviour is unacceptable and describing specifically in what way, for example, we consider their language offensive, unnecessary and unhelpful. We will ask the customer to refrain from using such language and state that we will not respond to their correspondence if they do not. We may require future contact to be through a third party.

## **Social Media**

Correspondence received via the Association's social media platforms which is threatening or abusive to staff, or which contains inflammatory statements or unsubstantiated allegations will be removed and/or reported. The customer making such remarks may be contacted to advise them on why the behaviour is not acceptable. Depending on the nature of the correspondence, Police Scotland may also be notified. Correspondence received via social media which may contravene the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 will be reported to Police Scotland.

### **8.0 Restricting Customer Contact**

In situations where previous warnings have been issued to a customer exhibiting unacceptable actions and who has not modified their approach or behaviour, we may decide to limit or restrict their contact with the Association.

We may restrict contact from the customer in a number of ways: in person, by telephone, text, fax, letter, email, through social media, or by any combination of these.

We will try to maintain at least one form of contact with a nominated person in the organisation in the event that a customer experiences a genuine housing related emergency. In extreme situations we will tell the customer, in writing, that their name is on a 'no personal contact' list. This means that they must restrict contact with our offices to either written communication or through a third party.

Where people are on the 'no personal contact' list, this will include visits to Knowes Housing Association premises, unscheduled home visits and any other contact beyond what has been specified.

Where a customer repeatedly telephones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:

- Limit contact to telephone calls from the customer at set times on set days.
- Restrict contact to a nominated member of staff who will deal solely with future calls or correspondence from the complainant.
- See the customer by appointment only.
- Restrict contact from the customer to writing only.
- Return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take other action that we consider appropriate. We will however always tell the customer what action we are taking and why.

Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the customer may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute a decision which Knowes Housing Association have previously made relating to the complaint. The customer will be told that the Association's consideration of their complaint is now at an end, and that if they remain dissatisfied, they should be signposted again to the SPSO.

Continued attempts by the customer to revisit an issue which has exhausted the Association's complaints procedure will not be responded to. Correspondence of this type will be read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the complaint.

Any Knowes Housing Association tenant or Knowes Housing Association factored owner who is either being investigated or has had action taken against them under this policy will be unable to put their name forward for election to the Knowes Housing Association Management Committee.

All incidents of unacceptable actions will be recorded by us.

A decision to restrict customer contact may be reconsidered if the customer demonstrates a more acceptable approach. A senior manager will review the status of any customers with restricted contact on a six-monthly basis.

## **9.0 Breach of Tenancy Conditions**

Where a tenant or member of a tenant's household is responsible for serious abuse and physical threats then this is a breach of tenancy and will result in a Notice of Proceedings being issued. Any continuation of threats or abuse while the NOP is live, will allow us to take legal action that could result in the repossession of the perpetrators property.

## **10.0 Appealing a Decision**

A customer can appeal a decision to restrict contact. The customer will be advised in writing about this right and the appeals process. A member of the senior management team who was not involved in the original decision will consider the appeal. They will advise the customer in writing of their decision, which can be either that the restricted contact arrangements still apply or that a different course of action is to be taken.

A customer may appeal a decision within 10 working days of being notified by the Association of the decision to restrict contact. Notification of an appeal should be made in accordance with the restrictions on contact currently in place.

An application to appeal will be acknowledged within 3 working days of receipt, and the appeal considered, and a decision communicated to the customer within 20 working days.

If the customer remains dissatisfied after the appeals process, a complaint can be made to the SPSO. The SPSO is the final stage for complaints about public services in Scotland, this includes complaints about housing associations.

Customers in receipt of a factoring who remain dissatisfied following the outcome of an appeal may refer their complaint to the Homeowner Housing Panel.

## **10.0 Training**

Knowes Housing Association will ensure that all staff and governing body members are aware of the Unacceptable Actions Policy. All staff who deal with customers or deal with complaints regularly will receive appropriate training and information on the Unacceptable Actions Policy.

## **11.0 Monitoring and Policy Review**

The implementation of this Policy will be managed and monitored by the Corporate Services Team. Knowes Housing Association will report on the number of customers subject to Unacceptable Actions restrictions as part of the Annual Complaints Report to the Management Committee.

Knowes HA will review this policy every three years. A review will be carried out sooner than three years to reflect any legislative or regulatory changes, and also any guidance published by the SPSO.

## **12.0 Confidentiality**

All information given by tenants and service users in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. Knowes Housing Association will have regard to the Data Protection Act 1998.

## **13.0 Policy Review**

This policy will be reviewed on a 3 yearly basis or sooner if required.